# LAW, TIME, AND COMMUNITY

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Research concerning law and social change has almost always treated time as a universal constant and a baseline against which variations in behavior can be measured. Yet a significant literature exists demonstrating that researchers can also regard time as a socially constructed phenomenon requiring analytic interpretation in its own right. This article explores two aspects of the human experience of time that were especially important for the residents of a rural American community: the sense of time's iterative character and its linear or irreversible quality. These two ways of experiencing and conceptualizing time played a significant part in efforts by residents of Sander County, Illinois, to define their community and interpret the social, cultural, and economic transformations it was undergoing. They were also important in the residents' efforts to frame and define conflict within the community and to determine when law should or should not be invoked. The article examines some ways in which the analysis of varying conceptions of time within a community can enhance understanding of expectations, perceptions, and values concerning law in a changing society.

> *The truth is that no mind is much employed upon the present: recollection and anticipation fill up almost all our moments.*
> Samuel Johnson, *Rasselas*
> ([1759] 1958: 569)

> . . . *We shall designate by the term* differance *the movement by which language, or any code, any system of reference in general, becomes "historically" constituted as a fabric of differences.*
> Jacques Derrida, *Speech and Phenomena*
> (1973: 141)

## I. INTRODUCTION

The residents of Sander County, Illinois,[1] spoke of law, change, and community in terms full of "recollection and antic-

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[1] A pseudonym. "Sander County" is a predominantly rural county with a population of 20,000–30,000 at the time of this study. For other descriptions of the community and the role of its court in the local culture, see Engel, 1980;



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ipation." Their images of the community[2]—and of themselves—were suffused with memories of the past and fears for the future. These images were formed by a continual process of comparison and differentiation and by the creation of a "fabric of differences" distinguishing "then" from "now," "us" from "them," and order from disorder.[3] The community and its norms, laws, and institutions were defined and interpreted with reference to these differences and distinctions.

The processes of comparison and differentiation required a temporal field within which the elements of the past and present could be juxtaposed. The cultural construction of this temporal field also merits our attention, and this essay is therefore not simply about law and change in an American community but, in a more basic sense, about law and time. Cultural understandings of social change—and of the role of law in relation to such change—were so closely linked to perceptions of time that it would be difficult to separate an inquiry into social change in Sander County from an inquiry into conceptions of time itself.

The relationship between law and social change has long fascinated researchers, but at some point in this distinguished tradition the concept of time came to be treated as something external to the social setting being described, as something fixed, unchanging, and objectively ascertainable. Time came to be regarded by researchers as an unproblematic concept, as a simple baseline against which change could be measured in all

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1983; 1984. Fieldwork for the study was conducted from 1978 to 1980. It consisted of three basic parts (in addition to background research and a general immersion in the community): (a) a study of the Sander County court's civil docket for 1975 and 1976; (b) broad-ranging, open-ended conversations with the parties in 66 of the civil cases brought during that period; and (c) lengthy conversations with 71 "community observers"—county residents who were selected because they had particular insights into different groups, settings, occupations, or activities in the community. This group included, for example, judges, lawyers, teachers, ministers, farmers, a beautician, a barber, city and county officials, a funeral parlor operator, youth workers, social service workers, a union steward, a management representative, agricultural extension workers, doctors, a newspaper reporter, the members of a rescue squad, and others. Quoted comments in this article are taken verbatim from taped interviews with litigants and community observers.

[2] I use the term "community" in this discussion to refer to the county seat of Sander County, the surrounding farmlands, and a handful of very small towns near the county seat and closely linked to it. Since Sander County is quite small, the "community" defined in this way is more or less coterminous with the county itself, although there is undoubtedly some inaccuracy in using "county" and "community" interchangeably, as I do at times in this article.

[3] Compare Greenhouse (1986) and Yngvesson (1986). I should acknowledge at the outset that much of this article grew out of discussions with Carol J. Greenhouse and Barbara Yngvesson and that my interpretation of law and culture in Sander County was greatly influenced by their own imaginative and insightful studies of communities in Georgia and New England.

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social contexts or historical periods in which law and legal institutions were to be studied.

This reification of time in the study of law and society has involved a curious disregard for widely known views about the nature of time as a socially constructed phenomenon. From the late nineteenth century to the present, scholars have cautioned that time is, in an important sense, a subjective rather than an objective phenomenon and that its reality is distinctively shaped by the activities and perceptions of social actors in each culture. Drawing upon this body of theoretical insights thus enhances our ability to understand the relationship between law, culture, and social change, not only in Sander County but in other social and cultural settings as well.

## II. TIME AS A CULTURAL CONSTRUCT

Contemporary understandings of the cultural construction of time and change have roots extending back at least as far as James (1893) and Bergson ([1889] 1960), both of whom argued that time was first and most importantly a subjective phenomenon associated with the stream of thoughts and perceptions that constitute our mental life. Bergson warned against confusing the reality of time (or "duration") as it is experienced by the inner Self with the artificial representations of time constructed externally through clocks and calendars. Such external representations rely on spatial analogies to measure, demarcate, and differentiate the flow of time in terms of the distance between one moment and another. Time measured in this way is an abstraction that is often mistaken for the experiential reality. But time as it is actually experienced, both Bergson and James asserted, consists of moments overlapping and flowing into one another, of past and present merging in a continuing stream. This is time in its pure and original sense, untainted by imagery of space and distance from the objective world outside the Self. Significantly, both James and Bergson considered this view of time and of the Self to be a crucial element in their theory of free will and a challenge to determinist models of human behavior and consciousness.

Implicit in the theories of James and Bergson is the notion that time is a cultural construct. In our own culture we have abstracted and externalized time in one way, differentiating its continuing flow through the application of a particular form of spatial imagery, but other cultures might construct time quite differently. This position was explicitly affirmed by Durkheim in *The Elementary Forms of the Religious Life* (1915). Time, he

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maintained, is a framework collectively constructed in a given society. The form it takes in each society reflects the activities and rhythms of the culture and reinforces their regularity (ibid., pp. 10-11).

Strongly influenced by this theoretical position, many twentieth-century anthropologists and sociologists have sought to demonstrate that concepts of time do in fact vary from one culture to another. Evans-Pritchard (1940: 102–103), for example, observed that among the Nuer of East Africa,

> time has not the same value throughout the year. . . . The Nuer have no expression equivalent to "time" in our language, and they cannot, therefore, as we can, speak of time as though it were something actual, which passes, can be wasted, can be saved, and so forth. I do not think that they ever experience the same feeling of fighting against time or of having to coordinate activities with an abstract passage of time, because their points of reference are mainly the activities themselves, which are generally of a leisurely character. Events follow a logical order, but they are not controlled by an abstract system, there being no autonomous points of reference to which activities have to conform with precision.

Geertz wrote of the Balinese tendency to "detemporalize" the concept of time. Thus, a Balinese calendar (one of two he describes)

> is not used . . . to measure the rate at which time passes, the amount which has passed since the occurrence of some event, or the amount which remains within which to complete some project: it is adapted to and used for distinguishing and classifying discrete, self-subsistent particles of time—"days." The cycles and supercycles are endless, unanchored, uncountable, and, as their internal order has no significance, without climax. They do not accumulate, they do not build, and they are not consumed. They don't tell you what time it is; they tell you what kind of time it is (1973: 393).

Lévi-Strauss (1966: 263), speaking generally of concepts of time among so-called savage people, maintained that

> the characteristic feature of the savage mind is its timelessness; its object is to grasp the world as both a synchronic and a diachronic totality and the knowledge which it draws therefrom is like that afforded of a room by mirrors fixed on opposite walls, which reflect each other (as well as objects in the intervening space) although without being strictly parallel.

Giddens has conjectured that the conceptualization of time in linear terms, which he finds typical of Western cultures,

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emerged with the development of writing and that nonliterate societies tend to conceptualize time quite differently. Such differences have had a profound importance for our own social and economic life, making possible, among other things, the emergence of modern Western capitalism:

> It is probably reasonable to say that . . . "time" is not distinguished as a separate "dimension" in traditional cultures in terms of time consciousness itself: the temporality of social life is expressed in the meshing of present with past that tradition promotes, in which the cyclical character of social activity is predominant. As time becomes acknowledged as a distinguishable phenomenon in its own right, and as inherently quantifiable, it also of course becomes regarded as a scarce and an exploitable resource. Marx rightly pin-pointed this as a distinctive feature of the formation of modern capitalism. What makes possible the transmutation of labour-power into a commodity is its quantification in terms of labour-time, and the creation of the clearly defined "working day" (Giddens, 1979: 201).

The connection between linear conceptions of time and industrial development has often been noted. As time is viewed in linear and quantifiable terms, significant transformations occur in a wide range of social relationships. Thus, Thompson (1967: 61) writes of the impact of this new sense of time on employers and employees in an industrial economy:

> Those who are employed experience a distinction between their employer's time and their "own" time. And the employer must *use* the time of his labour, and see it is not wasted: not the task but the value of time when reduced to money is dominant. Time is now currency: it is not passed but spent.

Twentieth-century scholars, then, have generally agreed with Durkheim's basic premise that time is a social construct and is fundamentally related to the nature of social activities and relationships. Much of the research literature is thus concerned with identifying and classifying the different concepts of time that appear in various cultures. Among the features that are mentioned in such descriptions, two aspects of the human experience of time are of particular interest here:

> Firstly, there is the notion of repetition. Whenever we think about measuring time we concern ourselves with some kind of metronome; it may be the ticking of a clock or a pulse beat or the recurrence of days or moons or annual seasons, but always there is something which repeats.
>
> Secondly, there is the notion of non-repetition. We are aware that all living things are born, grow old

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and die, and that this is an irreversible process (Leach, 1961: 125).[4]

In the following sections, I will explore these two aspects of time as they were experienced by the residents of a rapidly changing rural midwestern community. I will describe the relationship between conceptions of time and the differing ways in which social change was experienced, and I will suggest that contrasting images of time were a significant part of the struggle for control over the future of Sander County. Finally, I will relate the cultural construction of time and change to local definitions of the legitimate—and illegitimate—uses of law of the community.

## III. PERCEPTIONS OF TIME AND CHANGE IN SANDER COUNTY

Social changes in Sander County were perceived quite differently by various members of the community, and these differing perceptions were related to the ways in which people and groups in Sander County oriented themselves to the past. Iterative and linear models of time help us to understand why and how different patterns emerged when residents attempted to define their community and explain the recent changes it had undergone.

The iterative model, as we have seen, has often been associated with nonindustrial societies in which activities such as farming are organized in seasonal cycles. When time is perceived primarily in iterative terms, it provides the culture with a space or field in which fundamental patterns, relationships, and values can repeat from year to year and from generation to generation. Comparisons of past to present are culturally significant because they establish recurring images of sameness, which reaffirm and reinforce essential enduring qualities of a culture.

When the passage of time is perceived primarily in linear terms, on the other hand, it enhances the awareness of incremental change over the years. Comparisons of past to present are culturally significant because they establish difference rather than sameness. This second view of time has been associated with a variety of social and cultural factors, but, as we

[4] These two aspects of time are often referred to as "cyclical" and "linear." Some scholars have challenged such terminology—particularly "cyclical"—as overly rigid and culturally limited (see, e.g., Leach, 1961: 126; Howe, 1981: 227; and Filipcová and Filipec, 1986). The more flexible formulation quoted from Leach seems acceptable in light of these criticisms. It is also important to emphasize that the two aspects of time he describes are not mutually exclusive but rather complementary and interdependent.

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have seen, one of the most important is the advent of industrialization, which requires a precise and wholly externalized system of time measurement divisible into subunits for which specific monetary values can be assigned. Linear time provides a yardstick for change and development rather than an understanding that the future will return people to old and familiar contexts. Thus, the linear time model has great significance for social reformers as well as capitalists.

Both iterative and linear time are to some extent a fundamental part of human consciousness, but in their pure form these two models move toward conflict. Emphasis on the iterative view would cause social changes over time to be interpreted as cultural disintegration, as a failure of basic values to reemerge in traditional patterns. Emphasis on the linear view would cause sameness over time to be interpreted as cultural stagnation, as a failure of basic values to be acted upon and realized in social life.

Such conflict proved significant in Sander County during the late 1970s. In the struggle between contending social factions, iterative conceptions of time were associated with traditional groups and linear conceptions with those who advocated social and economic change. Conflicting conceptions of time were therefore closely related to the social conflicts that marked Sander County's recent history. I shall suggest that the relationship between time consciousness and social conflict was dialectical. That is, differing perceptions of time helped to determine who came into conflict with whom, but the intensification of conflict also transformed the imagery of time and caused residents to invoke it with greater passion.[5]

In Sander County, the relationship between time concepts and conflicting social visions was further complicated by the subjectivity of historical memory. The nature and extent of so-

[5] The relationship between socioeconomic change and conceptions of time was complex, and I do not wish to characterize the different conceptions of time as mere epiphenomena produced by underlying material conditions. It is true that the displacement of family farms and small businesses by large-scale agricultural operations, several big industrial plants, and numerous national franchises and chains in Sander County had a differential impact on residents and tended to evoke iterative conceptions of time in some and linear conceptions in others. It is also true, however, that particular conceptions of time tended to encourage or inhibit socioeconomic change in the community. Similarly, Giddens (1979: 201) seems to regard linear time as a necessary precondition for modern capitalism and thus suggests that causation may run from time concepts to socioeconomic environment as well as in the other direction. It is probably most helpful to regard the relationship between mental constructs and the socioeconomic environment as dialectical. Bourdieu (1977) has argued that internalized dispositions of individuals simultaneously shape and are shaped by external societal structures such as economic systems and social class (see also Engel and Yngvesson, 1984).

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cial change in this community was more subtle and complex than I had first thought. Some changes that were often cited by residents in the most dramatic terms turned out to have had historical antecedents that were ignored or suppressed in the local folklore. There was a selectivity and (to an outsider) a distortion in local accounts of change that were best understood in terms of how time was conceptualized (cf. Greenhouse, 1986).

The event most Sander County residents considered a turning point for their community was the establishment in the mid-1960s of a large manufacturing plant by the Cosmo Corporation, a very well-known multinational organization. The opening of this plant, which employed as many as six thousand people, was viewed as a watershed in the county's transformation from a small-scale, face-to-face society based on agriculture and small business to a more anonymous, impersonal community with a highly mobile and ethnically diverse population. It was this event that people had in mind when they described recent changes in terms like the following:

> We're in very much of a changing community, yet our roots are in agriculture. Now the agricultural roots are very close roots where people work together. They help each other. They do all the things that we admire about America. The industry roots basically are just the opposite. Here today and gone tomorrow. Lose a job or business, you get transferred maybe from one place to another. And I think the community has changed that way. I think it's not as close a community as it used to be. On the other hand, I think our horizons get broadened in a way; I think we see some things that we didn't see before. We see how the other half lives.

Such characterizations of the changes wrought by Cosmo, although very common, turned out to be problematic. First, it gradually became clear to me that the opening of the plant was not unprecedented in Sander County: For many years, the Agro Corporation had been operating a large canning factory in the county and employed many residents as tenant farmers and factory workers. Other industrial plants had also existed there from time to time. Thus, Cosmo was by no means the first corporate employer in the community, and even residents who had been farmers often knew what it was to be an employee in a large industrial operation:

> It used to be called Sander Canning Company, and then later on Agro bought it and now I think Amalgamated owns it. They've been here for years and years, as long as I can remember. When I was like four and five years old, my folks picked corn with wagons and

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> mules. And I can remember, they made a wooden box and they took me with them and I rode along in that wooden box, up at the front of the wagon. . . . [My father] got rheumatism just terribly, and of course our family all blamed it on picking corn. And you have to realize when they picked this corn, it was early in the morning and it was wet. You know how wet grass is, and they didn't provide, the canning factory never provided them with rubber, nowadays they'd probably be forced to provide them with those rubber trousers that at least come up to the waist. And you would be just soaking wet and you'd be wet all day. And he had rheumatism until the day he died, just terrible. And when we left the farm, he was so bad that he was in bed for like two years. And have you heard about this gold injections they give now sometimes for arthritics or rheumatics? Well, he had all, they have so much that the doctors felt was safe to give you, and he had all that you could take. And he did finally get so he could get up and walk, but his legs were very deformed and his one knee was stiff. But he did get well enough to take a job in this [screw] factory as a, not really a janitor, but he washed screws in this oily mixture and then they drained them and put them in wooden boxes.

Agro had also accounted for a certain degree of mobility and ethnic diversity before Cosmo arrived. Latino workers had long been associated with Agro's operations, typically as migrant laborers but in some cases as permanent residents of Sander County. Thus, the demographic changes that were usually ascribed to Cosmo's presence had actually been underway for many years, although perhaps at a much slower pace.

Second, another rather different event in Sander County's recent history may have transformed its socioeconomic life far more profoundly than the arrival of Cosmo. In the late 1950s, nearly a decade before the opening of the Cosmo plant, a large expressway was built linking Sander County to several major urban centers, including Chicago. The expressway, in the words of one local observer,

> created a lot of problems because it split up some of the farmers' area, and that generated a lot of animosity among the rural type. . . . I think that really started the whole thing, and then as industry started to move in that just increased the animosity among the rural people.

In addition to splitting up local farmland and generating conflict between farmers and townspeople, the expressway provided easy access to urban centers for a community that had been relatively isolated and self-contained. The impact was

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thus cultural as well as economic. Yet the construction of the expressway was seldom cited as the pivotal event for the community. That honor was reserved for the arrival of Cosmo.

Finally, there were some indications that Cosmo's impact had been much less dramatic than had been anticipated and far more subtle and indirect than was subsequently believed. Many of its employees commuted on the expressway from other cities and thus had little contact with residents of Sander County, despite the common perception that Cosmo had brought a major influx of newcomers. Although the plant employed blacks as part of its affirmative action program, almost none settled in the county, whose population remained white with a small (but growing) Latino minority. The anticipated economic "ripple effects" on local businesses and the relocation of other businesses into Sander County in connection with Cosmo were, in the view of at least one city planner, almost imperceptible:

> And so we might not be ready to conclude that nothing happened there, but I think not as much as it was anticipated in terms of a business boost. . . . [And] the increase in housing demand or the increase in subdivisions and sites didn't really come about after Cosmo announced their location here.

If the tangible effects of the opening of Cosmo's new plant were relatively modest, why did it carry such significance and, more than any other recent event, come to mark the boundary between "then" and "now" for most people in the community? Perhaps one reason was that Cosmo came to Sander County after an explicit debate about the community and its past and future in which conflicting ideas about time and change were openly expressed. On the one hand, a faction invoking linear and progressive imagery argued that the community was stagnating socially and economically. This alliance of future-oriented business people and political liberals maintained that the failure to bring in Cosmo would mire the community in "sameness," which to them implied a failure of vision and will and hence a cultural deterioration. On the other hand, another faction, drawing upon iterative imagery, argued that change implied the erosion and loss of their traditional culture and values and that if Cosmo were brought in, the community would never again be the same. This group of farmers, "anti-development" business people, and other conservatives feared that old patterns of interdependence and local autonomy would be lost.

In the debate over Cosmo, the linear, progressive vision prevailed. Although the consequences of Cosmo's arrival may

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ultimately have been far less dramatic than anticipated, it was perhaps the debate itself that made the plant such a potent symbol of change. Changes were occurring in Sander County even as the debate took place. In part, they were attributable to causes just as significant as Cosmo, such as the expressway and the long-term impact of Agro and other local industries. In part, too, they were attributable to more diffuse factors, such as nationwide transformations in farming and retailing. Fundamental social changes might well have occurred in Sander County even if the Cosmo plant had never opened. Yet the plant came to symbolize the social and economic transformation of the community not only because of its size and conspicuousness but also because discussions preceding its arrival had led to a direct, public confrontation between two contradictory ways of "reading" time and social change. These two perspectives and the event that precipitated their articulation were to dominate local perceptions for years to come.

## IV. THE EFFECTS OF TIME AND CHANGE WITHIN THE COMMUNITY

An "event of articulation" (Moore, 1977) thus clarified publicly the two opposing views of time and change in Sander County. In the social process of constructing the community's recent history, this event was critically important. Not only did it mark the boundary between past and present for many residents, but it also provided a temporal framework for other forms of comparison and differentiation, as the people of Sander County constructed the "fabric of differences" with which they explained their world to themselves. In this section, I will explore this process with respect to three areas or aspects of the community: rural life, town life, and strangers in the community.

### A. *Rural Life*

The seasonal and generational cycles of farming naturally tend to emphasize the iterative rather than linear aspects of time. Discussions with older farmers revealed that much of their culture was based on activities and exchanges patterned around repeated seasonal activities. In the following conversation, two elderly farmers reflect on these patterns and their recent disappearance:

*Farmer A*: I can remember back years when I was younger. . . . We got together for everything. We had an old thresh machine and the whole gang would come and thresh,

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you know, pitch bundles and do that. And heck, the Arnesons down there would either be up here or we'd be down there playing cards in the evenings. And all of a sudden it seemed to disappear. . . . The combines [came] and you started doing your own work, where you didn't have to depend upon the neighbors to do something, and it seemed like everything kind of fell apart.

*Farmer B*: I can remember the folks bringing the shocks or the bundles in from the field, putting them in a stack. Then when they got through with this big threshing run, we used to call it, they'd come to your farm and then you'd pitch it into the machine yourself. . . .

*Farmer A*: I can remember, everyplace we'd go, the cook would try to outdo the other one. Sometimes you'd have three or four different kinds of cakes. And oh, my God, you'd eat so much you'd have a bellyache for the rest of the day. [laughs] . . . Very few people help each other [now]. You and I work back and forth a little. We get stuck. You see, he lost his wife and he had [three] young boys he was bringing up . . . and I had five kids, and mine were going to school, and we got so, well, heck, what could one guy do alone on units like that? So, well, we just go over there and work awhile and come over here and work awhile, the two of us. Like filling a silo. What could one of us done alone? We'd get no place.

These were voices from the past, men participating in a culture that now existed primarily in their recollection—in phrases beginning, "I can remember. . . ." The cycles of time they recalled had been broken in two senses. The seasonal patterns of work and social exchange had been lost when agriculture became increasingly mechanized, when "the combines [came] and you started doing your own work. . . ." The generational patterns had been broken when the children stopped working on the family farms. As the two men spoke, I kept thinking about the eight children they had raised. None seemed to be involved in their parents' work, which was a great departure from the days when children were socialized into the farming life through Grange, 4-H, and other social activities and gradually took over the work from their parents.

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As the close knit, interdependent society of the farmers began to disappear, other changes also occurred. Farms grew in size, and corporate ownership began to replace family ownership. The growth of industry in Sander County, too, meant that the farmers and their activities were less central to the local society. In the words of a Cosmo employee, who also happened to be the son of a former mayor,

> as industry started to move in, that just increased the animosity among the rural people. . . . When the farmers used to come in [to town], as I recall, they would go to the local pub and have their beer and play a little cards. And of course during the winter season, that would be an all-day affair for them. And the wives would do the shopping. . . . But as time went by, say just in the taverns themselves, you got a different crowd in there where these, they didn't enjoy each other. . . . And you get drinking, sometimes you get that animosity going again. And the same old friends aren't there. Of course the older people, they're going to be dying off and new people are going to be coming in. I think that's had some sort of an effect on a person as he ages, knowing that your friends are gone and these younger people coming in. . . .

Gradually, farmers found themselves losing influence in the community. This was apparent not only in local taverns, where they had once predominated, but in other areas as well. Bitter debates, for example, were waged over the consolidation of rural schools, a move opposed by many of the more conservative farming families. This debate was significant as yet another confrontation between change and tradition. Yet, as a school superintendent maintained, this significance was largely symbolic, for the changes that were being resisted had already occurred:

> The farmer is no longer in power. I think that's a significant change. The farmers don't understand it. . . . They were the inner circle . . . but the outer circle has now become the inner circle, and the farmers are on the outside. So the power source is changing. . . . [The farmers] are really frustrated right now. A lot of them are frustrated. The people who are now more in the center are more willing to take vocal assertive stands on issues and demand action *now*. With the farmer, it was a little bit more slow and, well, the assumption that maybe we need to change that, but we're not gonna do it overnight, or maybe we don't need to change that. Let's look at it a little bit longer. "The sun'll come up tomorrow." . . . The farmers have strong feelings. They just don't move as fast. Aren't willing to move as fast.

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For the farmers, issues like the consolidation of rural schools or the opening of Cosmo's manufacturing plant were simply occasions for speaking out against circumstances that were pushing them from the center to the periphery. They were resisting the destruction of traditionally repeated patterns that had maintained the vitality of their culture and were associated with a style of life that had allowed for more deliberate and cautious decision making. The iterative aspects of their sense of time were displaced by a new sense of historicity in which the irreversibility of time was a more central feature. The *pastness* of the past was acutely felt. Previously the past had been merged with the present through repetition; now it could be preserved only through nostalgic recollection.

*B. Town Life*

Recent changes in the community were just as troubling and confusing for many town dwellers as they were for the farmers. The traditional culture of the town was frequently described as conservative, self-reliant, and suspicious of external control. Thus, in the words of one lifetime resident:

> We had a mayor for sixteen straight years who prided himself on the fact that he never had a tax [hike] and the city was always in the black. The streets fell apart, the sewer system was inadequate, but he never went in the red or he never raised the taxes. And that kept him in. So there was that attitude, the concept of home rule is don't do anything. Don't meet the responsibility that a community needs, don't do anything. . . . I'm for rugged individualism, but I think they're more borderline stubborn. . . . Maybe part of it is still that stigma that they don't want people to know that there's some trouble. And I think a lot of it is that they really don't know what services are available to them.

The small businesses that had always been central to the life of the town continued to thrive. One businessman told me,

> I think it's a pretty wealthy, healthy business community. In other words, there's money here. And I think as you go up and down the street, and working with the business people, you see a lot of successful people that have done well.

Yet some of the small-scale entrepreneurs of Sander County expressed a sense of disquiet and alienation that resembled the feelings of the farmers, although the farmers' economic plight appeared to be far more serious. Some business people also felt a loss of interconnectedness and interdependence. The concepts of obligation and trust that had once pervaded their activ-

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ities were perceived to be giving way to anonymous exchanges between strangers:

> [People] used to look a guy in the eye and [ask], "Will you do it?" and the guy says, "Yeah," and that was it. Now you look the guy in the eye and you say, "Will you do it?" and he says, "Yeah," and then you look him in the eye again and wonder if he means yes or not. So, more impersonality. People [think], "I don't know your dad, do I?"

Feelings of impersonality and alienation extended beyond commercial exchanges into relationships between individuals and the community itself. They could be detected even among adolescents in the town. One high school teacher asked her students to write essays about what they expected to be doing and what responsibilities toward family and community they would face in ten years:

> They wrote about things like trust and caring, both for husband and kids. Some mentioned responsibilities to their own parents, but this was included in the whole question. They don't have any sense of responsibility to the community. To them, a sense of responsibility to the community means being involved in the bowling league.

She and her husband, also a teacher, criticized local business people for a similar indifference toward the community and a self-centered concern for profit rather than public service:

> Businessmen in the town are really slow to, not only to bring about change, but really slow to become really involved in things and get into things, because as a result they're always afraid. The biggest thing that comes to their mind before they make any decision of that nature is, "What's the effect going to be on my business?" They look at it not in terms of the good of the community, but they look at it as, "How will it affect my business, particularly if I get into something which is controversial?"

Thus, many town residents perceived a drift away from the web of interpersonal relationships and exchanges that they recalled from earlier days toward a more atomistic and impersonal society with a diminished sense of community. This is not to say, however, that business people and others in the town invariably pursued social and economic change in their quest for profit. Although some members of the business community had strongly advocated developments such as the Cosmo plant, others had opposed it and similar changes that violated their vision of a small and autonomous community. Not all "capitalists" shared a preference for linear change in Sander County. Indeed, many small business people closely resembled the more

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traditional farmers in their social and cultural orientation. As farming itself became more of a business, many of the distinctions between farmers and some local entrepreneurs simply disappeared, and their shared hostility to social change reinforced other shared values, perceptions, and experiences.

The resistance to change by many town residents manifested itself in a reluctance to look ahead once the Cosmo decision was made. As some critics noted, there was an almost deliberate refusal to make plans for housing, shopping areas, and recreational facilities that would have permitted the community to take full advantage of the arrival of Cosmo and its employees. In some ways, the community engaged in a collective denial that this particular change had actually occurred. Landlords, for example, refused to rent to Cosmo employees—not just to the blue collar workers or the ethnic outsiders, but to the high-level managers as well. As one Cosmo executive recalled:

> We were turned down on rental property because I was working for Cosmo. . . . Well, they didn't say, "We're not going to rent to you because you worked for Cosmo." They said, "Where are you working?" I said, "Cosmo." "Oh yes, well, I promised another couple that I would hold the apartment for them until Monday, and then if they don't take it why I'll get in touch with you." We ran into that quite a bit.

These feelings of antipathy lingered for many years, as the same Cosmo executive explained:

> There are people that know me, that have known me for ten years, don't know how to spell my name. Don't know I work for Cosmo. They never asked, so I never told them. Find out I work at Cosmo, they can't believe it. You know, "Impossible, I mean, you're human. You smile, laugh, and cry. You can't work out there. Those are humanoids." It's really a strange thing.

Perhaps town residents had not traditionally patterned their culture around seasonal cycles as had the farmers. Still, there had always existed a sense of time conditioned upon repetition: repeated dealings with familiar individuals that led to a sense of trust, understanding, and shared values. A linear or progressive view of time was deemphasized by many town residents just as it was by the farmers. For them, the cultural identity of the community was based on values and social practices that should remain constant over the years. They viewed with abhorrence the suggestion that their community should plan for changes that would alter its composition or the essential character of its social and economic activities. Their atti-

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tudes were complicated, however, by the fact that such changes were already well underway, and, in the view of some local observers, the choice was between planned change and unplanned change:

> I also see this community under an awful lot of pressure. An awful lot of pressure to go to a more urban, somewhat more urban attitude in terms of zoning, traffic movement, schools. People can't understand that.

Like those living in rural areas, the town dwellers were faced with the problem of coming to terms with changes that were already set in motion. For some, this was easily accomplished. Their time sense was well attuned to the idea of progressive development and improvement. For others, however, change was not a prominent part of their concept of time. Rather, they had always expected that time would affirm existing relationships, reciprocities, and images of community, all of which were threatened by social change. For this latter group, the entry of large-scale national and international organizations in Sander County symbolically marked the point at which relationships and images of community had begun to fall apart. This had brought in social actors who were seen to function totally outside the local systems of exchange and reciprocity and for whom the concept of community had little significance. For many town residents, then, as for many farmers, recent events represented a break in iterative time and a period in which cultural patterns that time had continually renewed were suddenly thrust into the past.

### C. *Strangers*

A third aspect of the community in which perceptions of time and change proved important was the arrival of people viewed as strangers or outsiders. Strangers were defined in various ways, but they were generally considered people who were so unfamiliar with local norms and practices that reciprocations and exchanges (not to mention everyday communication) became difficult:

> We don't know our neighbors, the newer ones that have moved in, like we did before. It used to be that everybody knew everybody else, and you could deal with the situation. Now there are so many new people. I think that that makes a difference in how we deal with any number of situations, really. Because you have to know people to be able to deal with them properly. . . . I don't even know the names of the people who live in back of us, and of the Mexican family, I'm not familiar with, I don't know what their names are

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> or how many there are or anything. So if any problems came up, it may be hard to communicate.

It was widely assumed that recent transformations in the community had brought an influx of those viewed as strangers. Yet it was clear that ethnic outsiders of different descriptions had always been a feature of this community. The woman quoted above maintained that in the past "everybody knew everybody else" whereas now neighbors were strangers or even foreigners, yet she also recalled that her own grandparents were immigrants:

> My grandparents came from Germany, one pair came from Germany and one pair came from Holland, so we were immigrants too, not too far back. . . . When I was a youngster, I used to say my prayers in German. I didn't know what I was saying, but I think my mother thought it was cute, and so that's the way she taught us. . . . My grandmother did speak German and grandfather, too. And my mother had at home before she was married. But then, as I say, they all learned English. When we went to visit my grandmother, she always spoke English. I never heard her speak German, unless she was speaking to her husband, my grandfather. And I never did hear my other grandparents speak Dutch, ever. They didn't even speak with an accent. And yet they had come from Holland. That's why I say, I think if they are coming here to earn their living and to make their life here, they should learn the language. I don't think we should have to learn their language to speak to them.

In earlier years, then, there had been foreigners in the community, but they were "familiar foreigners" such as grandparents, who shared the mainstream community values and earnestly attempted to assimilate culturally and linguistically. Equally important, they were northern Europeans, the same ethnic stock as the vast majority of the local population. Occasionally, I heard stories of what life had been like in the more distant past for those whose ethnic background was quite different, such as Jews or blacks. A school superintendent told me:

> There's a story that goes back to the thirties. At one time the Klan was fairly active in this area in the mid-thirties, and the story is fairly well substantiated that they hung a guy here in the mid- to early thirties about the fact that he was supposed to have done some things with some black families, and he was a nigger lover. This was some black families either in Eaglewood or Willis. But I think he was, in fact, dating one. They hung him. I've not heard, honestly, any rumblings of any Klan activities here since I've been

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> here, but many of them are very right wing, conservative oriented, very.

Stories about black or Latino strangers from the distant past were rare, although such persons had clearly been in Sander County for many years. In local mythology, then, "strangers" had always been "familiar foreigners" who were not really strangers at all but grandparents and aunts and uncles. Since the Cosmo plant opened, however, there arose an acute awareness of a different sort of stranger. In the words of a member of the town council:

> There was very few minority groups in [town] prior to Cosmo. During the summer months, Agro's here, and we would get the migrant type. But they would only be here for, let's say, the season, and they would leave. . . . A lot of the old, conservative type people just think minorities are the scum of the earth, so to speak. The good old stereotype of all minorities.

Alarm over the new strangers was articulated in terms of their supposed adverse effect on the quality of neighborhoods and also because they were quite literally viewed as a source of pollution. As one schoolteacher observed:

> There's a lot of Mexicans who have moved in. A lot of people in the town are really against them. . . . Probably the same reason people always complain about the blacks moving into a neighborhood. They feel that it would run it down. That the house would fall apart. I've heard people complain that the little Mexican kids in school will bring in lice and other things like that. That they're just not clean, that they'll steal.

Thus, in the selective historiography of Sander County, the new strangers and their deleterious effects upon the community were associated with the opening of the Cosmo plant, unlike the earlier benign strangers. Further, the new strangers were distinguished by their association (at least in the minds of many residents) with a liberal, progressive, "big government" vision of social change. Public welfare agencies, federal job training programs such as CETA, and federally subsidized housing programs were all viewed as catering primarily to this unwelcome foreign element. One real estate broker told me that public housing attracted "bums and slums." Other observers spoke scathingly of people who "would raise babies illegitimately because they get thirteen to seventeen dollars a month more on their ADC check" and those who would rather collect unemployment than work so that they can "lay around, go fishing, and set in a tavern and everything all day."

For many, these agencies of federal and state aid symbolized the negative qualities of the progressive vision of time and

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change. They epitomized the deterioration of local systems of interdependence and self-reliance as well as the intrusion of powerful external forces that threatened the autonomy of the community. If this was what progressivism implied, the outsiders who were believed to live off such institutions were doubly cursed: Not only were they cultural outsiders who stole, carried lice, and created slums, but they were also the excuse for big government to intervene into local affairs. Without them, the community could avoid "pollution" and regain its former autonomy.

The powerful symbolism connecting strangers to perceptions of social change was illustrated in my dealings with a group of newcomers whom I encountered toward the end of my field work. While conducting interviews at the local CETA office, I discovered that English-language lessons were being given upstairs to a Mexican woman and six or eight Hmong refugees from Laos. I was able to converse with the Hmong in Thai, a language I had learned as a teacher and researcher in Thailand and they while being detained for several years in a Thai refugee camp. Their passage had been a difficult one. Several of the men had been soldiers in the CIA's clandestine war in the mountains of Laos, and some had been injured. They had all suffered from malnutrition and mistreatment in the refugee camps. They were still separated from wives and children left behind in Southeast Asia. The cultural adjustments they faced in the United States, coming from remote mountain villages with little exposure to Western life, were almost inconceivable.

The Hmong were thus outsiders whose language and culture made them more radically different from Sander County residents than any group that had ever arrived in the community. Yet when they first came, the Hmong were seen more like the older "familiar foreigners" than the negatively perceived blacks and Latinos. All Southeast Asian refugees at that time were brought into communities by local sponsors. The first Hmong families in Sander County were supported, with great fanfare, by local church groups. The town newspaper carried their picture on the front page. They were portrayed as patriotic soldiers who had fought for freedom against the encroachment of communists in Southeast Asia. Their arrival was thereby symbolically linked to traditional Sander County values: private charity (rather than government intervention), patriotism, wartime service and courage, and anticommunism.

Yet soon after their arrival, it became clear that their local sponsors were incapable of satisfying the basic needs of the

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Hmong, whose numbers were increased by births and the arrival of additional members of their extended families. When I first met them, their situation was desperate. They lacked winter clothes—some of the women walked barefoot in sandals through the snow. A number of the women were pregnant and had received no medical care or were unable to communicate with doctors they had visited. Housing was inadequate, and several families were forced to share quarters. They had no kitchen supplies. They were unemployed and unable to speak English. They had little or no contact with those who were supposed to have been their sponsors.

I and a few others attempted to address some of the needs of the Hmong. I offered to translate for them and help them make or renew contacts with some of the local support agencies I had discovered through my research. These included several of the state and federal offices that were seen by local residents as catering to disdained "outsiders." Thus, driven by their own needs and by the well-intentioned efforts of others, the Hmong began a gradual transition from one symbolic category to another. As their reliance on public aid increased, as state social workers argued with avaricous landlords on their behalf, and as their crowded living conditions became known, the Hmong were more and more closely associated with blacks, Latinos, and other despised ethnic outsiders. Rather than reminding residents of traditional cultural patterns and values, they began to call to mind the deterioration and decay of local culture and the events that seemed to follow from the break in time that had occurred when Cosmo's plant was built. This transitional process was by no means complete when I finished my field work in early 1980, but it had clearly begun. Indeed, I had inadvertently contributed to it.

## V. LAW, TIME, AND CHANGE IN SANDER COUNTY

I have suggested that two different ways of conceptualizing time and change were operating in Sander County and that they contributed to rather different readings of the community's culture and recent history. I shall now explore some general attitudes toward the role of law and in particular the use of the Sander County Court, and I shall try to relate these attitudes to the conceptions of time and change already discussed.

Neither iterative nor linear conceptions of time carry with them any necessary predisposition toward the use or avoidance of law. In theory, law and litigation could be used in ways con-

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sistent with either notion of time. Some official legal norms and procedures tend to reinforce familiar patterns and established values, while others tend to stimulate changes that might move a community in new directions. Because of the widespread sense of uneasiness associated with recent social changes in Sander County, however, there was a tendency for the mainstream members of the community to view as more legitimate those legal claims that were consistent with an iterative view of time.

One type of legal claim that acquired legitimacy in this way was litigation growing out of contractual breach. As I have described elsewhere (Engel, 1980; 1983; 1984), contractual agreements had a special importance in Sander County that lent symbolic significance to disputes concerning breaches. Particularly among the farmers, promises and handshakes had historically been the bases for essential exchanges. Those who broke such agreements had threatened the life of the community and suffered serious consequences through a variety of means, including gossip, ostracism, and violent self-help.

As we have seen, the traditional farming economy had undergone profound changes, and old-fashioned exchange relationships based on a promise and a handshake were no longer of central importance. These changes were viewed with regret by many rural residents, and the traditional norm that "a man's word should be good," as one of them expressed it, came to symbolize the prized but embattled values of the past. When contracts were breached, therefore, a large portion of the local community approved almost any attempt to enforce the contract, recover damages, or punish the wrongdoer. Thus, I found that the police were sometimes asked to arrest individuals who had breached contracts.

When the local court was used to redress the wrong, public opinion strongly supported the plaintiff. Such cases were widely viewed as appropriate occasions for the invocation of formal law. If we count debt collection cases as contractual breaches, cases in this category constituted almost 40 percent of all civil cases filed. The use of law was viewed as appropriate in these matters largely because it conformed to an iterative view of time. As social change brought with it the decay of traditional values, and as alternative mechanisms proved increasingly inadequate to enforce traditional norms against persons outside the established social networks, formal law was seen as an appropriate mechanism to *force* the repetition of values that the culture could no longer maintain. Although using law in this way was not in itself a form of continuity with the tradi-

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tional past (indeed, such litigation suggested the atrophy of traditional remedies and sanctions), it provided a means by which iterative expectations could seek fulfillment even in the face of cultural change and disintegration.

Lawsuits that lacked this appeal to an iterative sense of time were far more likely to be disapproved in Sander County, particularly when they were based on claims that used the law to promote new cultural patterns or norms. For example, one suit was brought against the local school district by a woman whose son had been expelled from high school for smoking a cigarette on school grounds. While acknowledging that students and parents had been notified of strict new antismoking measures before the incident occurred, the mother did not believe that the infraction warranted such a severe punishment. She recalled her first visit to an attorney:

> I told him that my son had been kicked out of school for smoking, and his first question was, "Smoking what?," because it's hard for anybody to believe that a kid would get kicked out of school for smoking a cigarette.

Unfortunately for the plaintiff, others had little trouble understanding that strict rules in the schools as well as in the community were central to the local culture and that challenges directed against school authorities by those who broke such rules were totally unacceptable. The mother operated under the assumption that, as she put it, when Sander County residents had conflicts, "they all go to court." Others had a very different view, however, at least with respect to cases of this kind. The local newspaper featured this lawsuit prominently and received many letters condemning the plaintiff and invoking traditional values in opposition to her due process argument. One letter writer explicitly characterized the matter as a contrast between past and present values:

> Back when I went to school there was a wood shed and if you got out of line that is where you got taken. There wasn't anyone expelled or the parent didn't sue the school for what happened. It looks like long hair and beards are come back, lets us go back to that kind of discipline in the schools and then we will start building a better nation.

Another correspondent maintained that the case was significant because it raised broader issues of order and disorder in the community:

> I applaud the school district for sticking to their decision for no smoking. The police try and enforce the laws that protect life and property and I feel the school

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> board is doing their part in training, in that I feel they are attempting to teach students to obey the laws, all of them. Not only those they wish to obey. . . . P.S. All you students have to do is obey the school laws and you have no fear of being expelled.

The newspaper received a number of similar letters, and the mother herself was sent some "nasty" notes. Her claim for damages and injunctive relief was dismissed in the Sander County Court, and her appeal was denied. The only member of the school board who voted against the original expulsion order was defeated in her bid for reelection less than a year later.

It may seem surprising that a case of this kind should generate such intense feelings throughout the community, but it raised issues that symbolized the clash between iterative and linear understandings of Sander County's past and present. The case provided an opportunity to reaffirm the community's commitment to traditional values concerning "law and order." It also offered a chance to voice support for the idea that respected and prestigious authority figures in the community should not be challenged by outsiders or by those who break the rules, regardless of what the rules might be. Finally, the case involved an arena of community concern—the schools—that tended to evoke strong feelings on a number of occasions. As other social centers, such as churches or the Grange, were increasingly ignored, the schools became a focus of attention for adults as well as children. Conflicts involving fundamental cultural values were often waged at PTA or school board meetings.

Other categories of lawsuits were also opposed in Sander County to the extent that they were associated with linear rather than iterative views of the relationship of past to present. Elsewhere, I have described the negative reactions of Sander County residents to personal injury lawsuits (Engel, 1984). Such claims were thought to lack historical legitimacy in a culture in which injuries had usually been viewed in terms of self-sufficiency rather than demands for compensation. The few residents who brought such cases in the local court were viewed with strong disapproval and were seen as greedy and contentious people, unlike creditors who sued to collect retail accounts or landlords who sued for back rent.

Why did personal injury claims evoke a version of individualism that emphasized self-sufficiency whereas contractual claims tended to evoke an individualism that emphasized rights and obligations? An analysis that takes into account the different conceptions of time provides some clues. In Sander County,

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claims for compensation for personal injuries lacked any firm basis in the traditional culture and were therefore perceived to be inconsistent with iterative applications of the legal system. If such claims succeeded in the local court, they would use the law to move the community away from traditional patterns toward new norms and new conceptions of individual responsibility and obligation.

I asked a number of interviewees in Sander County to comment on a hypothetical personal injury case, whose simplified facts were based on a lawsuit that had actually been litigated in the county court. I described a situation in which a small child had been injured while playing in front of her house near an unguarded construction site. She suffered a four-inch cut on her arm that required medical treatment and left a scar. Reactions to this hypothetical case were closely related to perceptions of change and the passage of time in the community. A few longtime residents, whose lives were constructed around a denial of the changes that were taking place in their community, insisted that the old values would prevail in such situations and that most parents would blame themselves or the child and simply absorb the loss. Similarly, a few newcomers were either oblivious to the old values or familiar only with groups in Sander County in which such values had no force. These interviewees quickly concluded that most parents would sue the construction company and would not consider the possibility that either they or the child were at fault. I was told that this attitude would be particularly characteristic of "blue collar" workers and union members.

A large group of interviewees fell somewhere in between these two positions, however, and their observations are especially revealing. One native of Sander County was the son of the former mayor who had been instrumental in bringing Cosmo to the community. The son himself became a personnel representative at Cosmo and was also a member of the town council. His reaction to the hypothetical case reflected his awareness of traditionalism as well as change in the community:

> Locally, I'd say they would probably do nothing, thinking that the child should have known better than to be playing in that area. . . . They would probably call the Street Department or the mayor or somebody and say something should be done about it . . . putting barricades up.

His first reaction was thus framed in terms of traditional attitudes toward injuries and concerns for the welfare of the com-

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munity rather than the individual assertion of claims for compensation. When pressed, however, he acknowledged that Cosmo employees would handle the matter quite differently:

> [I'd] say a hard-line union person would probably raise a lot of hell with the construction company and/or the mayor and the police. . . . [A union activist tends to be] more vocal, I'd say, as far as protecting what you feel are your rights.

The local sheriff described differences in the reactions to this situation entirely in terms of community change. In the past, he observed, most people would not make a claim or blame the construction company:

> I'd say five or six years ago, yes, I think they would take care of it themselves, and they'd just make the [construction company] aware of it. I would even say fifty-fifty on *that*. I think that they felt the fact your child was playing there and the people digging, and the child shouldn't have been there, and take [their own insurance payment]. Not anymore.

By contrast, he felt that the reaction today would be to assert a claim or even to try to have the responsible party arrested:

> Number one, I think she [the child's mother] would call the law enforcement agency, and I think she would go after that company to pay all medical bills and probably for some type of settlement. She would want to sign some type of complaint, number one, that's what I'm trying to get at. . . . Very few [would do nothing]. Years ago, I'd say, yeah. But more so than not, I think they'd want to call and have the man arrested. And we in turn would say, depending upon the circumstances, it's a civil matter. The man was negligent, you should contact your attorney and go after him civilly.

A different kind of reaction to this hypothetical case was offered by the mayor of one of the very small towns of Sander County. He was strongly opposed to changes that had occurred in the county and generally disliked what he called "large growth." In his view, the parents of the injured child would, in the vast majority of cases, attend to her medical needs, attempt to remove the hazard for the benefit of others in the community, and absorb the costs of the injury themselves:

> They probably warned the little girl that she shouldn't have been playing over by the ditch and shouldn't have been going over there anyhow, because they knew it was there and the parents probably could have told her not to go there in the first place. But I think in extreme cases, other cases, you'd have a lawsuit. . . . I think it'd be way less common. . . . If a lawyer got

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> ahold of them, I think you'd have a lawsuit . . . [but] 90 percent of the time people don't even think about it.

This observer characterized departure from the traditional norms as "extreme," while admitting that it might occasionally occur. His comments must be understood in terms of his broader view of the community. Elsewhere in the interview he spoke bitterly of newcomers and youngsters who have "lost the respect that they've had for parents, for property, for people, and feelings." In his view, the legal system contributed in significant ways to this deterioration:

> The court system stinks, I think the court's too lenient. . . . I think the court has really caused a lot of problems, and it's caused problems, I think, in all areas and even in the small communities. . . . Now everybody sues. There's a lot of suits through the courts once you get there. . . . A cop don't dare lay a finger on somebody because they've done something wrong. They don't dare shoot at them.

Thus, for this small town mayor, as for many other Sander County residents, the litigation of claims that lack historical legitimacy—such as personal injury claims—represented an inappropriate effort to use the law to divert the culture in new and undesirable directions. Confusingly, when courts were used in this way they promoted disorder rather than order. The litigation of such cases threatened the entire normative structure of the community and contributed to a general disregard for law and established authority. Although many residents acknowledged that there were times when it was proper to use the courts, they were dismayed by what they saw as a pervasive tendency to litigate to force unwanted change on the community.

It appears that the largely negative view of the legal system in Sander County was associated with a traditional iterative view of law and time. Many assumed that law should be an important element in the cultural processes of repetition and reaffirmation, but all around them they saw change. They assumed that in the natural course of things, law and cultural continuity were mutually reinforcing. But when they realized that the culture itself was no longer able to produce the repetition of traditional values and behavior, their assumption became an urgent insistence that law and legal institutions should step into the breach and force the repetition. If this was what was expected, the legal system of Sander County had clearly failed, for the popular understanding was that social change after the arrival of the Cosmo plant had been rapid and profound. Not only had the law failed to prevent this change, but it had

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sometimes been used to promote it. Because law and the courts had always occupied a central position in the imagery of the traditional society, their failure to force a reaffirmation of traditional ways came to symbolize a fundamental disruption of the cultural and moral order.

This disillusionment with the legal system was expressed in numerous contexts. One cluster of complaints focused on the local judge, a flamboyant and controversial outsider who arrived in Sander County after graduating from law school and was never fully accepted into the community. He was seen as the local manifestation of a broader social problem: The courts were too soft on criminals. At least one lawyer told me that this reputation derived from cases like the one in which he himself appeared before the judge to defend a client arrested while driving a car with a trunk full of marijuana. The judge granted a defense motion to suppress the evidence on grounds that there had been no probable cause for the police search, and the defendant was acquitted:

> Now that takes guts. Now you can imagine what the goddamned local paper says about it. You know, "JUDGE THROWS OUT THE EVIDENCE." They describe how many ounces of pot and how much amphetamines, and really, no question my guy's no good. But the question is, has the law been followed? [The judge] didn't have a choice.

The lawyer went on to note, however, that in a far less visible way the judge had brought the full force of the law down on the same individual who was subsequently arrested and prosecuted for stealing five bushels of apples from a local orchard:

> Now when a guy steals five bushels of apples, what the hell's he going to do, give him a [small] fine? Uh, uh. [The judge] remembered the son of a bitch. He got a year. It's an amazing thing how justice gets served.

This particular judge, an unpredictable and controversial figure, symbolized for many the failure of the legal system to reverse the tide of social change. Yet the problem was greater than any one judge; it really involved perceptions and beliefs about the community's past and present and about the decay of a culture that should have maintained itself over time but did not. Perhaps the most powerful expression of this broader view came in an interview with a businessman who owned a lumberyard in Sander County. I spoke with him while he was still recovering from the devastating effects of a snowstorm that had destroyed his storage shed and $50,000 worth of inventory, none of which was covered by insurance:

> The first night I thought the world had come to an

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> end. I never shed a tear. I don't believe in it. But I did that night, because I thought the whole world had come to an end. What have I done to deserve this? But the same thing happened to other people. They could feel the same as I. So get off of it, don't feel sorry for yourself, get out there and go to work. It don't matter. If you die in your tracks at least you know that you have tried. So I'm still trying, and I'm putting in eighteen hours a day. But I'll make her because I've got the guts and the willpower, and it takes time.

A physically powerful man, he spoke in a deep and resonant voice and smoked a cigarette as we talked. From time to time he flicked the ashes into his open hand and then, to my astonishment, stubbed out the butt in his bare palm. His philosophy was one of toughness and self-reliance. He spoke out against welfare cheaters, against those who would rather draw unemployment insurance than work, against greed on the part of individuals and businesses. None of these sentiments was unusual in the years leading up to the Reagan presidency. Yet this man, like many others in Sander County, couched such ideas in terms of a vividly remembered past and the failure of the legal system to help preserve it:

> The community is changing worse. We had a very nice community here. . . . I moved here in 1934, and I've been here since then. The children were different, the grown-ups were different. We had obsolete jails, because there was nobody in jail. We didn't have all of this problem that we have today. . . . Too much laxity of rules and regulations, laws or bylaws. The laxity of our government enforcing new laws to cover up old laws. . . . The younger ones have changed to this point. The older ones still live and feel the way they did, and probably in the next generation it will really be a very saddened proposition, because it will be a lot worse.

He, like many others in the community, remembered the past as a time when children were law-abiding and respectful, when rules were obeyed or strictly enforced, when the older generation was content in the knowledge that its values and style of life would be unquestioningly adopted by the next generation. The present, by contrast, was a time when children were prone to vandalism and drug abuse, when jails were crowded and yet rules were flouted and legal institutions weak, when the older generation looked on with dismay as the culture they remembered was rapidly destroyed. In one unexpected digression, the businessman projected all of his concerns and moral imagery upon a country he had once visited:

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> We were traveling in South America, the population was three million people. Do you know how many policemen they had on that island? Two. For three million people! I asked the question, "Why?" Said, "We don't have any problem with people." And he explained it further by saying if there is rape they use a meat cleaver. If there is a murder that is committed, they hang them or shoot them. And if they steal things that don't belong to them, they cut fingers off depending on the seriousness of their crime. They cannot get away because it's all bordered by water. This is Martinique, it's a French providence. So all of the business places were left wide open. There's no bars, there's no doors, twenty-four hours a day.

The contrast to his own society was drawn in explicit terms:

> This is America, the most freedomized country in the world. But do the people deserve all of the freedom if they do not honor the freedom? People that are doing things that are legally wrong, they go into court, they come back out of court. What do they get? The court gets the fine. What does the people that got hurt, what do they get? Nothing. . . . In answer to the whole thing in a nutshell, I'm not in favor of courts. They do not do justice. Not even 50 percent.

The concerns of this businessman, and of many other Sander County residents who expressed similar sentiments in less colorful terms, went well beyond an antipathy toward any particular judge or court. His feelings of anger and despair were associated with his views of time and change and his views of the cultural role of law. Together, they produced a profoundly disturbing vision of community and the human interactions that had always given meaning and purpose to his life. Here, then, was a group of people who saw themselves as cut adrift in a present that was no longer linked in any vital way to the past. Their negative views of law are largely explainable as a reaction to the realization that their culture and values were rapidly receding into history and could not be recovered through the force of law or any other means.

## VI. CONCLUSION

The human experience of time involves both repetition and nonrepetition: the recurrence of events and phenomena as well as the irreversible progression from the familiar to the unfamiliar, from birth to death, from the known to the unknown. Both aspects of time are always present. Indeed, each is necessary to define the other.

Such was the case in Sander County, where the awareness of a traditional culture patterned largely upon the recurrence

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of seasonal and generational cycles was particularly intense at a moment when the transformation of that culture and the irreversibility of time were keenly felt. Linear and iterative conceptions of time played complementary roles in shaping the local culture and in marking out the temporal field in which recent events could be viewed and interpreted.

The residents of Sander County confronted changes experienced by many Western—and non-Western—societies during the late nineteenth and the twentieth centuries. Partly because of choices made within the community and partly because of circumstances forced upon them, the residents of Sander County found themselves caught up in the cross-currents and struggles typical of "modern" capitalist societies. Their comfortable sense of autonomy and isolation from urban industrialism was shaken, and a way of life based primarily on family farms and small businesses was challenged by the emergence of new forms of livelihood and by the entry of new kinds of corporate actors into the community. Many local residents were convinced that the world they remembered was a world that would not be seen again. While an outside observer might be struck by the persistence of tradition in Sander County and the strength and resilience of the local culture, many of the residents were preoccupied with cultural discontinuities and a sense that they had been irrevocably cut off from their own past. There was a pervasive anxiety about the loss of individual and community autonomy and a growing awareness of significant shifts in the locus of social and economic power.

The imagery of time enabled Sander County residents to contrast desirable and undesirable developments in their community. By emphasizing the differences between past and present—the irreversible or linear aspect of time contrasted with iterative expectations—they could, for example, underscore the importance of certain traditional but embattled values, shore up particular authority figures, or stigmatize elements of the local society as "outsiders." Used in this way, recollections of the irretrievable past were more than nostalgia: They were efforts to shape opinion and assert control. By contrast, those who criticized the grip of "old-fashioned" attitudes in the community were engaged in their own effort to use the imagery of time—in this case, iterative time portrayed in negative terms—to push the community in new directions and to reinforce new centers of power and influence.

This is not to suggest that time concepts were used primarily in a self-conscious or manipulative way in Sander County. Rather, I believe that conceptions of time were a fundamental

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part of the largely subconscious process by which members of the community created meaning out of their experiences and attempted to give order to their world. This was a process, as we have seen, based upon comparison and differentiation and drawing heavily upon temporal concepts. Through this process, different people and groups in Sander County constructed their versions of the community's past, present, and future.

Perceptions of law and legal institutions were closely linked to this process of interpretation. Comparisons of past and present very often centered upon elements of the culture that were related to law, such as issues of order, discipline, obligation and responsibility, consensus and conflict, family and group relations, individualism, and the sense of community. The centrality of law to these and other elements of the culture was intuitively obvious to Sander County residents. Law had always been one of the most conspicuous symbols of the local culture. The courthouse was the most prominent building on the town square. Lawyers and judges were socially important and highly visible in the community. Rules, laws, justice, and punishment were much emphasized in local discourse.

The experience of Sander County does not support currently fashionable generalizations about American society as either law-prone or law-averse. Law and those who sought to invoke it in Sander County were neither uniformly condemned nor praised. Much depended upon the extent to which a particular use of the law was understood to support or oppose key elements of the culture and to further the iterative or linear expectations and preferences of local observers.

Invocation of the law in Sander County was "read" differently depending upon the nature of the claim and the claimant. The differentiation of legitimate and illegitimate legal claims was part of a more general process of comparing and distinguishing that which was legitimately *of* the community and that which was to be condemned, shunned, or banished from it. Through this creation of a series of oppositions, a "fabric of differences," the residents of Sander County continually redefined their community and rescued meaning from confusion and order from chaos.

## REFERENCES

BERGSON, Henri ([1889] 1960) *Time and Free Will: An Essay on the Immediate Data of Consciousness*, trans. F. L. Pogson. New York: Harper & Brothers.

https://doi.org/10.2307/3053598 Published online by Cambridge University Press

BOURDIEU, P. (1977) *Outline of a Theory of Practice*. Cambridge: Cambridge University Press.

DERRIDA, Jacques (1973) *Speech and Phenomena, and Other Essays on Husserl's Theory of Signs*, trans. David B. Allison. Evanston, IL: Northwestern University Press.

DURKHEIM, Emile (1915) *The Elementary Forms of the Religious Life*, trans. Joseph Ward Swain. London: George Allen & Unwin.

ENGEL, David M. (1984) "The Oven Bird's Song: Insiders, Outsiders, and Personal Injuries in an American Community," 18 *Law & Society Review* 551.

——— (1983) "Cases, Conflict, and Accommodation: Patterns of Legal Interaction in an American Community," 1983 *ABF Research Journal* 803.

——— (1980) "Legal Pluralism in an American Community: Perspectives on a Civil Trial Court," 1980 *ABF Research Journal* 425.

ENGEL, David M., and Barbara YNGVESSON (1984) "Mapping Difficult Terrain: 'Legal Culture,' 'Legal Consciousness,' and Other Hazards for the Intrepid Explorer," 6 *Law & Policy* 299.

EVANS-PRITCHARD, E. E. (1940) *The Nuer*. Clarendon: Oxford University Press.

FILIPCOVÁ, Blanka, and Jindřich FILIPEC (1986) "Society and Concepts of Time," 38 *International Social Science Journal* 19.

GEERTZ, Clifford (1973) "Person, Time, and Conduct in Bali," in *The Interpretation of Cultures*. New York: Basic Books.

GIDDENS, Anthony (1979) *Central Problems in Social Theory: Action, Structure and Contradiction in Social Analysis*. Berkeley: University of California Press.

GREENHOUSE, Carol J. (1986) *Praying for Justice: Faith, Order, and Community in an American Town*. Ithaca: Cornell University Press.

HOWE, Leopold E. A. (1981) "The Social Determination of Knowledge: Maurice Bloch and Balinese Time," 16 (n.s.) *Man* 220.

JAMES, William (1893) *Principles of Psychology*. New York: Henry Holt & Co.

JOHNSON, Samuel ([1759] 1958) *Rasselas, Poems, and Selected Prose*, ed. Bertrand H. Bronson. New York: Holt, Rinehart and Winston.

LEACH, Edmund (1961) "Two Essays Concerning the Symbolic Representation of Time," in *Rethinking Anthropology*. London: The Athlone Press.

LÉVI-STRAUSS, Claude (1966) *The Savage Mind*, trans. George Weidenfeld. Chicago: University of Chicago Press.

MOORE, Sally Falk (1977) "Individual Interests and Organizational Structures: Dispute Settlements as Events of Articulation," in Ian Hamnett, ed., *Social Anthropology and Law*. New York: Academic Press.

THOMPSON, E. P. (1967) "Time, Work-Discipline, and Industrial Capitalism," 38 *Past and Present* 56.

YNGVESSON, Barbara (1986) "Private Nuisance, Public Crime: The Clerk, the Court and the Construction of Order in a New England Town." Presented at Cornell University Law School (November).

https://doi.org/10.2307/3053598 Published online by Cambridge University Press